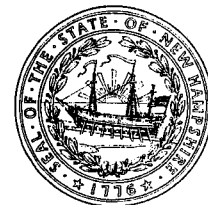




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Joe Holt
Green Granite Motel
PO Box 3127
North Conway, New Hampshire 03860

LETTER OF DEFICIENCY
WMB PBF 04-25
September 3, 2004

Dear Mr. Holt:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 24, 2004, DES inspected the pool at the Green Granite Motel in North Conway, NH ("the Pool").

During this inspection, the following deficiencies were noted:

1. Env-Ws 1103.15(c) requires a bromine concentration between 2.0 mg/L and 4.0 mg/L in public pool water. The bromine concentration of the Pool water ranged from 6.66 to 7.4 mg/L on August 24, 2004.
2. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 6.3 on August 24, 2004.
3. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
4. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.
5. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
6. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth was not marked on the deck of the Pool.

DES believes the cited deficiencies can be corrected prior to summer season 2005. A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when:
 - a. the breakpoint line with floats will be in place;
 - b. the sign locating the nearest emergency telephone will be in place;
 - c. the depth will be marked; and
 - d. patron rules will be posted;

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DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Carrie Boudreau at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'COPY' with a large 'C' and 'O'.

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7835

cc: Gretchen R. Hamel, Legal Unit Administrator, DES
Carrie Boudreau, Public Bathing Facility Inspector, DES
Kenneth Kiesman, Health Officer, Town of Conway